

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ED ARO
Arnold & Porter LLP
370 17th Street
Denver, CO 80202

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS
320 First St., NW
Washington, DC 20534

Defendant.

PUBLIC VERSION

Case Number: _____

COMPLAINT
(PUBLIC REDACTED VERSION)

Plaintiff, Ed Aro, by and through his undersigned attorneys, for his Complaint, alleges as follows:

INTRODUCTION

1. This action seeks relief directing the Bureau of Prisons to produce information withheld in violation of the Freedom of Information Act ("FOIA") (5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552a).

JURISDICTION AND VENUE

2. This action arises under the laws of the United States. This Court's jurisdiction is invoked pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 552a(g)(1)(B).

3. Venue is proper in this District pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 552a(g)(5).

THE PARTIES

4. Plaintiff Ed Aro is a member of the firm of Arnold & Porter LLP and brings this action in his capacity as agent for fifty-seven inmates at the United States Penitentiary, Administrative Maximum Facility, in Florence, Colorado.

5. The Defendant is the United States Bureau of Prisons.

CLAIM FOR RELIEF
(FOIA and Privacy Acts)

6. On the dates set forth in the table below, Plaintiff caused to be made written requests pursuant to the Freedom of Information Act and the Privacy Act to the Director of the Bureau of Prisons, FOI/PA Section. Each request sought “all medical, mental health, discipline and other records.” The requests were made with regard to the fifty-seven individuals, whose names the Plaintiff is seeking to file under seal.

Name	BOP Reg. No.	Date Requested
[Withheld]	[Withheld]	8/3/2011
[Withheld]	[Withheld]	8/15/2011
[Withheld]	[Withheld]	8/15/2011
[Withheld]	[Withheld]	8/16/2011
[Withheld]	[Withheld]	8/16/2011
[Withheld]	[Withheld]	8/16/2011
[Withheld]	[Withheld]	8/16/2011
[Withheld]	[Withheld]	8/31/2011
[Withheld]	[Withheld]	8/31/2011
[Withheld]	[Withheld]	9/2/2011
[Withheld]	[Withheld]	9/2/2011
[Withheld]	[Withheld]	9/2/2011
[Withheld]	[Withheld]	9/19/2011
[Withheld]	[Withheld]	9/19/2011
[Withheld]	[Withheld]	9/19/2011
[Withheld]	[Withheld]	9/19/2011
[Withheld]	[Withheld]	9/19/2011

[Withheld]	[Withheld]	10/11/2011
[Withheld]	[Withheld]	10/11/2011
[Withheld]	[Withheld]	10/11/2011
[Withheld]	[Withheld]	10/11/2011
[Withheld]	[Withheld]	10/11/2011
[Withheld]	[Withheld]	10/11/2011
[Withheld]	[Withheld]	10/11/2011
[Withheld]	[Withheld]	10/11/2011
[Withheld]	[Withheld]	10/13/2011
[Withheld]	[Withheld]	10/13/2011
[Withheld]	[Withheld]	10/13/2011
[Withheld]	[Withheld]	11/1/2011
[Withheld]	[Withheld]	11/1/2011
[Withheld]	[Withheld]	11/10/2011
[Withheld]	[Withheld]	11/10/2011
[Withheld]	[Withheld]	11/10/2011
[Withheld]	[Withheld]	11/10/2011
[Withheld]	[Withheld]	11/10/2011
[Withheld]	[Withheld]	11/28/2011
[Withheld]	[Withheld]	11/28/2011
[Withheld]	[Withheld]	11/28/2011
[Withheld]	[Withheld]	11/28/2011
[Withheld]	[Withheld]	1/5/2012
[Withheld]	[Withheld]	1/5/2012
[Withheld]	[Withheld]	1/5/2012
[Withheld]	[Withheld]	1/5/2012
[Withheld]	[Withheld]	1/6/2012
[Withheld]	[Withheld]	1/6/2012
[Withheld]	[Withheld]	1/10/2012
[Withheld]	[Withheld]	1/11/2012
[Withheld]	[Withheld]	2/13/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	2/22/2012
[Withheld]	[Withheld]	3/30/2012

7. Each request included an authorization signed by the inmate in question. Each authorization expressly authorized the release of the documents to Ed Aro of Arnold & Porter LLP.

8. 5 U.S.C. § 552(a)(6)(A)(i) provides that the agency must determine whether to grant or deny each request within twenty days after receiving such request and immediately notify the requester of its determination and the reasons therefor. The Bureau of Prisons has failed to comply with this provision because, upon information and belief, no determination concerning Plaintiff's requests has been made and because Plaintiff has not received notification of any such determination within the prescribed time period.

9. The Bureau of Prisons has dutifully acknowledged receipt of the requests, has advised that the requested documents exist, has estimated the number of pages in the files requested, and has requested advance payment for the copying charges (which payment has been provided). Yet the Bureau of Prisons has not produced any documents at all in response to the fifty-seven requests at issue herein.

10. Plaintiff has exhausted administrative remedies with respect to his requests, pursuant to 5 U.S.C. § 552(a)(6)(C).

11. Plaintiff is entitled to the records requested pursuant to 5 U.S.C. § 552(a)(3) and 5 U.S.C. § 552a(d)(1), and the Bureau of Prisons is improperly withholding those agency records.

WHEREFORE, Plaintiff prays:

(a) that this Court declare that the Bureau of Prisons' failure to disclose the records requested under FOIA and the Privacy Act is unlawful and order it to make the requested records available;

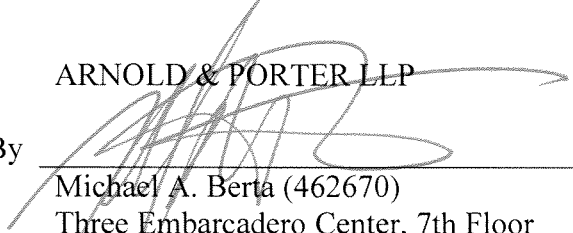
(b) that this Court award Plaintiff costs and attorneys' fees in this action; and

(c) that this Court grant Plaintiff such other, further, and different relief to which he may be entitled.

Dated: June 8, 2012

ARNOLD & PORTER LLP

By


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